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[AS AMENDED IN COMMITTEE]

TO

Explain and amend Section forty-eight of the Irish Land Act, 1903, with respect to the payment and application of the percentage provided by the said section.

A.D. 1904.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Any land wholly or partly untenanted sold to the Land Commission or the Congested Districts Board may be regarded as an estate for the purpose of the payment of any percentage under section forty-eight of the Irish Land Act, 1903.

Amendment of 3 Edw. 7. c. 37. s. 48. as to untenanted land.

2. The percentage mentioned in the said section forty-eight may, subject to the enactments contained in the proviso to subsection one and in subsection four thereof be paid to any vendor, other than the Congested Districts Board, whether such vendor is a person entitled to a beneficial interest in the land sold, or is a trustee or other person not so entitled, and, save as hereinafter provided, shall be held by him on the trusts (if any) affecting the purchase money.

As to payment and application of percentage.

3.—(1) Where the vendor is a tenant for life or a person having the powers of a tenant for life under the Settled Land Acts, 1882 to 1890, the percentage shall subject to those enactments of the said section forty-eight mentioned in the last preceding section be retained by him as his own proper moneys for his own use and benefit, free and discharged from all claims upon the lands sold, or the purchase money thereof, and from any trust affecting the same.

Special provisions as to tenants for life, persons under disabilities, &c.

25 Provided that where the vendor is a person exercising any power of sale on behalf of a lunatic person of unsound mind or [Bill 302.]

A.D. 1904. infant, or where the vendor is a lunatic or person of unsound mind selling pursuant to any order made by the Lord Chancellor, the percentage shall be held for the use and benefit of the same persons, or upon the same trusts as the case may be, as if the lunatic, person of unsound mind, or infant, as the case may be, were not under any disability.

Provided also that where the vendors are husband and wife exercising together the powers of a tenant for life under section sixty-one of the Settled Land Act, 1882, the percentage shall be retained by them jointly for their own use and benefit, free and discharged from all claims and trusts as aforesaid.

45 & 46 Vict.  
c. 88.

(2) The expression "lunatic" in this section has the same meaning as in the Lunacy Regulation (Ireland) Act, 1871.

34 & 35 Vict.  
c. 22.

Construction  
and citation.  
3 Edw. 7.  
c. 37.

4. This Act shall be construed as one with the Irish Land Act, 1903, and may be cited with the Land Purchase Acts, and the said Act of 1903 shall be construed and shall take effect from the date of its passing as if this Act had then formed part thereof.

Short title.

5. This Act may be cited as the Irish Land Act, 1904.